

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

THOMAS R. MONTGOMERY, )  
vs. )  
Plaintiff, )  
vs. ) Case No. CIV-15-298-M  
ALBERT HOCH, JR., et al., )  
Defendants. )

**ORDER**

On April 20, 2015, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this civil rights action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that the cause of action be dismissed upon filing pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for failure to state a claim upon which relief can be granted, and to the extent plaintiff is alleging defendants are liable to him for violations of Oklahoma law, recommended that this Court decline to exercise supplemental jurisdiction over plaintiff's state law based claims. Plaintiff was advised of his right to object to the Report and Recommendation by May 11, 2015. Plaintiff was granted an extension of time until August 11, 2015 to file any objections. A review of the file reveals no objections have been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 10] issued by the Magistrate Judge on April 20, 2015;
- (2) DISMISSES plaintiff's 42 U.S.C. § 1983 cause of action upon filing pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) for failure to state a claim upon which relief can be granted, and

(3) DECLINES to exercise supplemental jurisdiction over plaintiff's state law based claims, to the extent plaintiff is alleging any such claims.

**IT IS SO ORDERED this 24th day of August, 2015.**



VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE